

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

**MARTHA ADAMS spouse and)
personal representative for the ESTATE)
OF CHARLES ADAMS, deceased,)
ET AL.,)
)
Plaintiffs)
)
v.) **No. 2:07-CV-01064-WKW-TFM**
)
ALBANY INTERNATIONAL; ET AL.,)
)
Defendants)**

**DEFENDANT OWENS-ILLINOIS, INC.'S MOTION TO DISMISS, OR, IN THE
ALTERNATIVE, MOTION TO SEVER AND FOR MORE DEFINITE STATEMENT**

Comes the defendant, Owens-Illinois, Inc., ("O-I"), and respectfully moves this Court to dismiss this action pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted. In the alternative, O-I moves for an Order severing the claims of the plaintiffs and for an Order requiring plaintiffs to provide a more definite statement for their claims. As grounds for this motion, defendant O-I expressly incorporates by reference as if set forth herein the factual and legal arguments contained in the Memorandum in Support contemporaneously filed with this Court.

WHEREFORE, for reasons more particularly set forth in the Memorandum in Support filed herewith, defendant Owens-Illinois, Inc. respectfully moves this Court to dismiss this case or grant other relief sought herein that this Court finds is appropriate.

Respectfully submitted this the 7th day of January, 2008.

By: s/ Anthony C. Harlow
Anthony C. Harlow – Bar Number: ASB-5692-W474

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2008, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Anthony C. Harlow

Anthony C. Harlow – Bar Number: ASB-5692-
W474